

**Agenda Item: 13-7**

**Meeting Date: October 13 and 14, 2004**

## DELTA IMPROVEMENTS PACKAGE UPDATE

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**Summary:** The Delta Improvements Package Implementation Plan was prepared by State and Federal agencies and conditionally adopted by the California Bay-Delta Authority on August 12, 2004, contingent upon the written support by the participating Federal agencies. Authority staff will provide an update on the Delta Improvements Package.

**Recommended Action:** This is an informational item only. No action will be taken.

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### **Background**

The Delta Improvements Package Implementation Plan was prepared by State and Federal agencies to clarify the roles, responsibilities and commitments of the agencies in the implementation of the Delta Improvements Package. Included in the Plan are the programs, projects, evaluations, and monitoring activities of water project operations in the Delta region that advance the CALFED Bay-Delta Program goals for water supply reliability, water quality, ecosystem restoration, levee system integrity, and science.

The Delta Improvements Package outlines actions related to water project operations in the Delta that will result in increased water supply reliability, improved water quality, environmental protection and ecosystem restoration, protection of the Delta levee system, and analyses and evaluation to support improved real-time and long-term management.

An initial list of potential actions to be considered as part of the Delta Improvements Package was provided to the Authority at its February 11, 2004 meeting, and to the Bay-Delta Public Advisory Committee (BDPAC) at its March 11, 2004 meeting. It was further discussed at the April 8 and June 10 meetings of the Authority and at the May 13 BDPAC meeting. In response to public comments received at the May 27 public workshops and discussion at the Authority meeting on June 10, the State and Federal agencies developed a revised Delta Improvements Package. The revised version was posted on the Authority's website on June 18. This revised version was discussed at the July 8 BDPAC meeting.

At the August 12 Authority meeting, the Authority approved the amended resolution adopting the Delta Improvements Package Implementation Plan and directed Authority staff, working with the implementing agencies, to report on the Implementation Plan annually in the context of the development of the Multi-Year Program Plans and to make appropriate modifications, as necessary. Approval of the Implementation Plan was conditioned on receiving written support for the Plan from the U.S. Bureau of Reclamation (USBR), U.S. Fish and Wildlife Services (USFWS), NOAA Fisheries, U.S. Army Corps of Engineers, and U.S. Environmental Protection Agency (USEPA).

On August 16, Gary Hunt, Chair of the Authority, sent a letter to the five participating Federal agencies asking for their written support of the Delta Improvements Package as requested by the Authority at its August 12, 2004 meeting (Attachment 1). To date, letters of support have been received by the USEPA, USFWS and USBR (Attachments 2 and 3).

In addition to securing the Federal letters of support for the Delta Improvements Package Implementation Plan, the Authority asked the staff to reconcile the dates in the Program Plans and the Implementation Plan. The staff prepared two errata sheets for the Plans which are attached (Attachments 4 and 5).

Attachment 6 is a letter from the Executive Director of the Southern California Association of Governments supporting the resolution on the Delta Improvements Package.

### **List of Attachments**

Attachment 1 - Letter from Chair Hunt requesting support of the Delta Improvements Package from Federal agencies (Implementation Plan Bound Separately)

Attachment 2 - Letter of support from USEPA

Attachment 3 - Letter of support from USBR and USFWS

Attachment 4 - Delta Improvements Package Appendix A update (Bound Separately)

Attachment 5 - 2004 Program Plan Errata Sheet (Bound Separately)

Attachment 6 – Letter from Southern California Association of Governments

### **Contact**

Tim Ramirez  
Senior Advisor

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Ron Ott  
Delta Regional Coordinator

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## ATTACHMENT 1

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<http://calwater.ca.gov>

August 25, 2004

Mr. Kirk Rodgers, Regional Director  
Bureau of Reclamation, Mid-Pacific  
Region  
2800 Cottage Way  
Sacramento, CA 95825-1898

Mr. Steve Thompson, Manager  
CA/NEV Operations Office  
U.S. Fish and Wildlife Service  
2800 Cottage Way, W-2606  
Sacramento, CA 95825-0509

Mr. Rodney McInnis  
Acting Regional Administrator  
National Marine Fisheries Service  
(NOAA Fisheries)  
501 W. Ocean Blvd., Suite 4200  
Long Beach, CA 90802-4213

Col. Ronald Light  
District Engineer for the Sacramento  
District  
U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, CA 95814-2922

Mr. Wayne Natri  
Regional Administrator  
U. S. Environmental Protection Agency  
75 Hawthorne Street, 18<sup>th</sup> Floor  
San Francisco, CA 94105

Gentlemen:

I am pleased to report to you that the California Bay-Delta Authority last week unanimously approved the Delta Improvements Package (DIP) Implementation Plan, contingent upon written support for the Plan by the participating federal agencies.

The Authority members present wanted to send a clear signal that this Plan to implement major actions under the CALFED ROD is undertaken through a full federal and state partnership. Because you and your designees were unable to attend the meeting, the members present made their approval conditional upon written support by the participating federal agencies. I am now writing you to seek that written approval.

As you know, this Implementation Plan was developed through the hard work of your staff members and their state counterparts, and details the schedules and linkages between a number of actions that will be undertaken by state and federal agencies responsible for water project operations and environmental regulatory compliance. Grounded by the best available science, it represents a dramatic step forward in the way we manage water projects and protect water quality and the environment, and I applaud your efforts to bring this to fruition.

Mr. Kirk Rodgers  
Mr. Steve Thompson  
Mr. Rodney McInnis  
Col. Michael J. Conrad Jr.  
Mr. Wayne Nastri  
August 19, 2004  
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The resolution approved by the Authority adopts the Delta Improvements Package Implementation Plan and directs Authority staff, working with the implementing agencies, to report on the Implementation Plan annually in the context of the development of the multi-year program plans, and to make appropriate modifications, as necessary. I have attached a copy of the Resolution, as well as the Implementation Plan, for your reference.

I look forward to receiving word of your support for the Delta Improvements Package Implementation Plan. Should you have questions about this action, please call me or contact Mr. Patrick Wright, Director of the California Bay-Delta Authority, at (916) 445-5110.

Sincerely,

A handwritten signature in black ink, reading "Gary Hunt". The signature is written in a cursive style with a vertical red line to its right.

Gary Hunt  
Chair, California Bay-Delta Authority

Encl.

cc: Hon. Jason Peltier  
Authority members  
Mr. Patrick Wright

*(As amended during the August 12, 2004, meeting of the California Bay-Delta Authority.)*

**CALIFORNIA BAY-DELTA AUTHORITY**  
**RESOLUTION 04-08-04**  
**ADOPTING THE DELTA IMPROVEMENTS PACKAGE IMPLEMENTATION**  
**PLAN**

**WHEREAS**, the CALFED Record of Decision calls for a balanced approach to addressing water supply reliability, water quality improvement, ecosystem restoration, and levee system integrity, supported by sound science; and

**WHEREAS**, the State and Federal agencies will take actions related to State and Federal water project operations in the Delta over the next few years, and recognize that many of the proposed actions are interrelated and that decisions on key components must be coordinated; and

**WHEREAS**, the State and Federal agencies recognize the importance of coordinated decision-making and moving forward with a package of actions that is consistent with CALFED Program's principle of balance; and

**WHEREAS**, the State and Federal agencies recognize the Solution Principles, including "no significant redirected impacts," and the Implementation Commitments, including project-specific "environmental documentation," as stated in the CALFED Record of Decision apply to implementation of the Delta Improvements Package; and

**WHEREAS**, the staff from the agencies have developed the Delta Improvements Package Implementation Plan that clarifies the roles, responsibilities and commitments of the agencies in the implementation of programs, projects, evaluations and monitoring focused on the Delta region that advance the CALFED Bay-Delta Program goals in the areas of water supply reliability, water quality, ecosystem restoration, levee system integrity, and science;

**NOW, THEREFORE, BE IT RESOLVED** that the California Bay-Delta Authority adopts the Delta Improvements Package Implementation Plan, and directs Authority staff, working with the implementing agencies, to report on the Implementation Plan annually in the context of the development of the multi-year program plans, and to make appropriate modifications, as necessary.

**BE IT FURTHER RESOLVED** that the adoption of this resolution is conditioned upon the written support of the Implementation Plan from all of the Federal agencies listed therein.

## **DELTA IMPROVEMENTS PACKAGE IMPLEMENTATION PLAN REGARDING CALFED BAY-DELTA PROGRAM ACTIVITIES IN THE DELTA**

### **I. Introduction**

Actions to increase water supply reliability, improve water quality, protect important fish species, and maintain the integrity of the levee system in the Delta have frequently been at odds with each other. The purpose of this Delta Improvements Package Implementation Plan is to clarify the roles, responsibilities, and commitments of the state and federal in the implementation of programs, projects, evaluations, and other undertakings focused on the Delta region that advance the CALFED Bay-Delta Program goals in the areas of water supply reliability, water quality, ecosystem restoration, Delta levee integrity, and science.

The state and federal agencies are coordinating their assumptions and schedules to move forward with a set of activities focused on the Delta that are consistent with the CALFED Program's principle of balanced implementation. Coordination of these key activities will help the state and federal agencies implement the CALFED Record of Decision (ROD) in a balanced manner and avoid the conflict and gridlock that the CALFED Program was created to address.

Many of the actions described below are also described in the CALFED Bay-Delta Program Multi-Year Program Plans, and are outlined here to identify the linkages among key commitments made by the state and federal agencies. As part of the annual process to review and update the Multi-Year Program Plans and through the development of the California Bay-Delta Authority's 10-year Finance Plan, the status of actions and linkages in this Delta Improvements Package Implementation Plan will also be evaluated and updated.

The schedules for many of the proposed actions and commitments listed below are described in Appendix A.

### **II. Water Supply Actions and Commitments**

The state and federal agencies intend for the proposed actions and commitments described below to improve water supply reliability from the Delta while protecting water quality and fishery resources.

#### **A. State Water Project/Central Valley Project Integration Plan**

DWR and USBR will continue to coordinate SWP/CVP operations, and propose to: (1) convey up to 50,000 acre feet per year of Level 2 CVP refuge water at the SWP Banks pumping plant; (2) use up to 37,500 acre feet per year of CVP water to reduce SWP in-basin obligation for Bay-Delta water quality and flow requirements; and (3) enable earlier, higher water allocations to CVP water users by developing and implementing a plan (which may consist of source-shifting strategies) to maintain the minimum storage in the State share of San Luis Reservoir. DWR and USBR are also proposing to increase the amounts of 50,000 acre feet and 37,500 acre feet to up to 100,000 acre feet per year and up to 75,000 acre feet per year, respectively, when full implementation of the SWP Banks

pumping plant increase to 8,500 cfs permitted capability is achieved, or earlier if agreed to by DWR and USBR. In order to facilitate SWP/CVP integration, DWR and USBR will develop and obtain SWRCB approvals of any needed water level, water quality, and fisheries response plans set forth in the SWRCB Water Right Decision 1641. These proposals will be evaluated through the Operations Criteria and Plan (OCAP) early consultation process, and will also go through applicable project-specific environmental and regulatory review processes before implementation.

**B. State Water Project/Central Valley Project Intertie**

USBR and DWR will evaluate, and USBR proposes to construct, an Intertie between the Delta-Mendota Canal and California Aqueduct, with an initial capacity of 400 cfs toward the California Aqueduct and a reverse flow capability of 900 cfs toward the Delta-Mendota Canal, to allow for greater operation and maintenance flexibility for both the CVP and SWP, and enable the CVP to recover conveyance capacity. Subsequent to the construction of the Intertie, USBR and DWR propose to further evaluate the potential for increasing the capacity of the Intertie to 900 cfs.

**C. San Luis Reservoir Low Point Improvement Project**

Alternatives are being evaluated to increase the operational flexibility of storage in San Luis Reservoir and ensure a high quality, reliable water supply for San Felipe Division contractors. A joint EIR/EIS will be prepared by the Santa Clara Valley Water District and USBR. USBR is conducting an Appraisal Study, which is the first step in obtaining feasibility study authority.

**D. South Delta Improvements Project/Increase SWP Pumping to 8,500 cfs**

As described in the CALFED ROD, DWR and USBR are proposing to increase the permitted pumping rates allowed at the SWP Banks pumping plant as part of the South Delta Improvements Project (SDIP).

In accordance with the CALFED ROD, implementation of increased permitted pumping is conditional upon avoiding adverse impacts to fishery protection, and in-Delta water supply reliability. In addition to the CALFED ROD commitments, DWR and USBR agree implementation of increased permitted pumping at the SWP Banks pumping plant is also conditioned on:

1. DWR and USBR constructing and operating permanent operable barriers in the South Delta to improve water quality, water level conditions, and provide fishery protection.
2. DWR and USBR, in cooperation with other CALFED agencies and local interests, developing and implementing a comprehensive San Joaquin River Salinity Management Plan (Plan) to enable reliable compliance with all existing Delta water quality salinity objectives (electrical conductivity and chloride) for which the state and federal water projects have responsibility, in accordance with SWRCB Water Right Decision 1641. This Plan will be completed by December 2004.

3. Construction of the Veale and Byron Tracts aspects of the Old River and Rock Slough water quality improvement projects to protect and improve water quality conditions near the Contra Costa Canal.
4. USFWS, NOAA Fisheries, and DFG developing and implementing environmental protection measures, including project-specific and updated programmatic federal biological opinions and state NCCP authorizations to comply with federal ESA and state NCCPA requirements, that continue to protect and recover covered species to an equivalent level of protection as provided for in the CALFED ROD. The assets needed to provide this level of protection will be adjusted periodically based on new science and other information.
5. DWR, USBR, USFWS, NOAA Fisheries, and DFG developing and implementing a long-term Environmental Water Account with appropriate water user and public funding to protect, recover, and restore at risk native fish species that rely on the Delta while providing water supply reliability commitments to the SWP and CVP exporters.

DWR and USBR will continue to comply with existing SWP and CVP water rights conditions, as described in SWRCB Water Right Decision 1641.

DWR and USBR expect the development of environmental documentation, obtaining permits, and construction of the permanent operable barriers will take until late 2007. In the interim there may be strategic opportunities during high flow months to increase allowable pumping capability at the SWP Banks pumping plant beyond existing operating rules. DWR will work with USBR, DFG, USFWS, NOAA Fisheries, US Army Corps of Engineers, SWRCB, and the Central Valley Regional Water Quality Control Board to identify the conditions, including the ones set forth above, that would allow for such interim operation as part of the SDIP permitting process.

### **III. Water Quality Actions and Commitments**

The state and federal agencies reaffirm their commitment in the CALFED ROD to continuously improving Delta water quality for all uses, including drinking water, environmental, and agricultural uses. The state and federal agencies intend that actions listed below will collectively contribute to meeting this commitment, and commit to the process described in Section VI.H. to assess water quality impacts and ensure their actions collectively contribute to continuous improvement.

**A. South Delta Improvements Project/Permanent Operable Barriers:** DWR and USBR propose to dredge Delta channels and construct permanent operable barriers to ensure water of adequate-quantity and quality to agricultural diverters within the South Delta. DWR, USBR, USFWS, NOAA Fisheries, and DFG will develop operating parameters for these permanent operable barriers as part of the



SDIP EIS/EIR. The permanent operable barriers will be constructed and operable prior to DWR fully implementing the proposal to expand SWP pumping to 8,500 cfs.

**B. San Joaquin River Salinity Management Plan:** DWR and USBR, in cooperation with other CALFED agencies and local interests, will develop and implement a comprehensive San Joaquin River Salinity Management Plan (Plan) to maintain compliance with all existing Delta water quality salinity objectives for which the state and federal water projects have responsibility, as required by SWRCB Water Right Decision 1641. The Plan will be developed by December 2004, and may include the following salinity control and flow-related actions:

- A coordinated agricultural and managed wetlands drainage strategy for the San Joaquin River.
- Salt load management and reduction activities.
- Recirculation of Delta exports using excess conveyance capacity for subsequent release into the San Joaquin River for purposes of reducing salinity concentrations.
- Voluntary water transfers and exchanges to improve water quality.
- Real-time water quality monitoring and forecasting.
- Real-time coordination of east side tributary operations.
- Introduction of potential high quality wastewater treatment plant flows.
- Westside groundwater management.

This Plan will be coordinated with and provide input to the SWRCB and Central Valley Regional Water Quality Control Board regulatory processes and programs with the intent of ensuring consistency.

USBR, under federal Court Order, is currently preparing a report on Drainage Feature Reevaluation for the San Luis Unit of the CVP. Aspects of the Plan described above may or may not be part of the final drainage plan for the San Luis Unit.

**C. Vernalis Flow Objectives:** USBR, in cooperation with DWR, will submit a plan by November 15, 2004 describing how USBR intends to meet the Vernalis flow objectives in 2005. This plan will include a thorough analysis of options for meeting the Vernalis flow objectives, including alternatives to releases from New Melones Reservoir. In addition, USBR and DWR will identify the long-term ability to meet the existing flow objectives contained in SWRCB Water Right Decision 1641. USBR will provide this information to the SWRCB in any future urgency change petitions related to the Vernalis flow objectives, and as part of the SWRCB's periodic review of the 1995 Bay-Delta Water Quality Control Plan.

- D. San Joaquin River Dissolved Oxygen:** To help improve water quality beyond their water project obligations, DWR and USBR, in coordination with USFWS, NOAA Fisheries, DFG, CBDA, other CALFED agencies, and local interests will develop and implement a comprehensive strategy to improve dissolved oxygen conditions in the Deep Water Ship Channel near Stockton. This strategy will be coordinated with and provide input to the SWRCB and Central Valley Regional Water Quality Control Board regulatory processes with the intent of ensuring consistency among these programs.
- E. Old River and Rock Slough Water Quality Improvement Projects:** The state and federal agencies will work with Contra Costa Water District to relocate agricultural drains in Veale and Byron Tracts. In accordance with the CALFED ROD, these projects will be completed prior to the operation of the proposed permanent, operable barriers in the South Delta. In addition and in support of the CALFED Program objective of continuous improvement in Delta drinking water quality, the state and federal agencies will work with CCWD to reduce seepage into the Contra Costa Canal.
- F. Franks Tract:** Through studies, pilot projects, and other actions, the state and federal agencies will evaluate and implement, if appropriate and authorized, a strategy to significantly reduce salinity levels in the South Delta and at the CCWD and SWP/CVP export facilities and improve water supply reliability by reconfiguring levees and/or Delta circulation patterns around Franks Tract while accommodating recreational interests.
- G. Delta Cross Channel Program:** USBR and the state and federal agencies will evaluate Delta Cross Channel gate operational strategies to improve Central and South Delta water quality while improving fish passage through the Delta.
- H. Relocation of M&I Intake:** If the water quality improvements from the above measures do not provide acceptable continuous improvements in Delta water quality, the state and federal agencies will evaluate, and if appropriate, work with the Contra Costa Water District to relocate their intake to the lower part of Victoria canal, with appropriate environmental review and, if authorized and appropriated, cost-sharing.
- I. Through-Delta Facility:** DWR and the state and federal agencies will complete the feasibility studies on a 4,000 cfs diversion facility in the north Delta to assess its potential benefits and impacts on water quality, water supply, and environmental conditions in the Delta.

#### **IV. Environmental Protection Actions and Commitments**

The state and federal agencies recognize the need to continue to provide the protections for covered species that were established in the CALFED ROD, and believe that the actions below will meet this commitment for those covered species that are dependent in part or entirely on the Delta ecosystem.

- A. OCAP ESA Consultation:** DWR and USBR have prepared a Biological Assessment for the OCAP. Based on this document, USFWS and NOAA Fisheries will prepare coordinated Biological Opinions, including Preliminary Biological Opinions on SDIP. This integrated package will allow USFWS and NOAA Fisheries to comprehensively analyze the effects of proposed water project operations to federally listed species.
- B. SDIP ESA Consultation:** Consistent with the CALFED ROD Conservation Agreement Regarding Multi-species Conservation Strategy, DWR and USBR are preparing an Action Specific Implementation Plan (ASIP) for Multi-species Conservation Strategy covered species potentially affected by the SDIP. USFWS and NOAA Fisheries will evaluate the SDIP Preliminary Biological Opinions and the ASIP to determine if re-initiation of consultation for SDIP is appropriate. DFG will evaluate the ASIP for NCCP authorization.
- C. Update of CALFED ROD Programmatic Regulatory Commitments and Programmatic Biological Opinions:** USFWS, NOAA Fisheries, and DFG will evaluate and may update the CALFED ROD programmatic regulatory commitments. USFWS, NOAA Fisheries, and DFG authorized programmatic compliance under FESA, CESA, and the NCCPA by establishing and implementing the Stage 1 milestones for restoration and species recovery, as detailed in the biological opinions and the MSCS Conservation Agreement. The CALFED ROD requires USFWS, NOAA Fisheries, and DFG to review these regulatory commitments provided to DWR and USBR by September 30, 2004, based in part on progress in achieving the milestones and the efficacy of the EWA, and to issue supplemental biological opinions and NCCP determinations which may retain the regulatory commitments to DWR and USBR described in the CALFED ROD. In part, these regulatory commitments are provided by the operation of the EWA and funding for the ERP at levels sufficient to provide for adequate protection and recovery of covered species, as described in the CALFED ROD.
- D. Environmental Water Account:** DWR, USBR, USFWS, NOAA Fisheries, and DFG will determine whether to continue the short-term Environmental Water Account through Stage 1. If a decision is made to continue an EWA beyond Stage 1, DWR, USBR, USFWS, NOAA Fisheries, and DFG will develop and implement a long-term Environmental Water Account based on criteria developed by USFWS, NOAA Fisheries, and DFG to protect and restore at risk native fish species that rely on the Delta while providing water supply reliability commitments to the SWP and CVP exporters with appropriate water user and public funding.
- E. Delta Regional Ecosystem Restoration Implementation Plan (DRERIP):** The DRERIP is the first of several regional plans intended to refine the existing planning foundation guiding the long-term implementation of the CALFED Ecosystem Restoration Program element. The DRERIP will update the ERP's planning foundation specific to the Delta, refine existing Delta-

specific restoration actions and guidance for Delta-specific EPR tracking, performance evaluation, and adaptive management feedback. DFG, USFWS, and NOAA Fisheries, in collaboration with other CALFED agencies, will continue to develop this regional restoration plan for the Delta.

## **V. Delta Levees Actions and Commitments**

The state and federal agencies recognize the many benefits provided by the approximately 1,100 miles of Delta levees, including protection for 520,000 acres of farmland, the Mokelumne Aqueduct that crosses the Delta to serve water to the East Bay, three state highways, a railroad, natural gas and electric transmission lines, and thousands of acres of habitat. These levees also protect water quality for Delta and export water users. The recent levee failure on Upper and Lower Jones Tract illustrates the importance of the existing Delta levee system, and emphasizes the significance of including the Delta Levee Program in the CALFED ROD.

DWR, DFG, and the US Army Corps of Engineers, in cooperation with other state and federal agencies, will implement the CALFED Levee System Integrity Program Plan as described in the Multi-Year Program Plan and the California Bay-Delta Authority's 10-year Finance Plan to provide long-term protection for the multiple Delta resources described above by maintaining and improving the integrity of the extensive Delta levees system.

## **VI. Science Actions and Commitments**

The state and federal agencies will continue to conduct workshops, studies, independent reviews, and other activities to evaluate the relationship between SWP/CVP operations, water quality, and biological resources, and to incorporate the best available information into their planning and regulatory activities.

**A. CBDA Independent Science Board:** The CBDA Independent Science Board (ISB) will continue to provide input to the CBDA on implementation of this Delta Improvements Package Implementation Plan regarding the long-term risks and challenges associated with providing water supply reliability, improving water quality, protecting key species by restoring the Delta ecosystem, and maintaining the integrity of the Delta levee system.

**B. EWA Independent Reviews:** The CBDA Science Program, in cooperation with DWR, USBR, DFG, USFWS, and NOAA Fisheries-will undertake a comprehensive review of the first four years of the Environmental Water Account, in preparation for the annual EWA Review Panel analysis of water project operations and its impact on key species. The EWA Review Panel will continue, as necessary, to conduct independent annual reviews, and a comprehensive assessment every four years, and the CALFED agencies will consider the recommendations from the EWA Review Panel in their annual operations planning.

- C. Focused Study on South Delta Hydrodynamics, Water Quality, and Fish:** DWR, USBR, USGS, DFG, and USFWS will investigate fish movement, distribution, entrainment, and water quality in the South Delta to improve understanding of the effects of South Delta export and barrier operations and flows. This information, in combination with information from the Vernalis Adaptive Management Plan experiments and other studies, will be used to evaluate water project operation and fishery management actions.
- D. Focused Study on Delta Smelt and Fish Facilities:** DFG will complete studies to evaluate Delta smelt survival at the South Delta export and fish salvage facilities.
- E. Science Program PSP:** The CBDA Science Program will undertake a Proposal Solicitation Process to evaluate and fund studies to address the gaps in information about the relationship between water management activities and biological resources.
- F. SWRCB Periodic Review:** The CBDA Science Program will work with the state and federal agencies to provide key summaries and analyses of research on Delta water operations, water quality, and biological resources to the SWRCB as part of its periodic review of Delta water quality objectives. These summaries and analyses will include but are not limited to: (1) salinity and flow objectives in the South Delta; (2) the 2.64 mmhos/cm EC (X2) objective; and (3) the Vernalis Adaptive Management Program.
- G. South Delta Fish Facilities:** USBR and DWR will continue to evaluate potential improvements to fish facilities in the South Delta to ensure operation as originally intended to accommodate changing environmental conditions and proposed operations. In addition, recommendations on alternative facilities, combined operations, and intake locations will determine how fish facilities should be implemented with SWP operations in the future.
- H. Performance Evaluation and Monitoring Program:** USBR, DWR, USFWS, NOAA Fisheries, DFG, and USEPA will work with the Interagency Ecological Program (IEP), US Army Corps of Engineers, SWRCB, and Central Valley Regional Water Quality Control Board to design and implement a Performance Evaluation and Monitoring Program. This program will evaluate the water quality and biological resource effects of the SWP, CVP, and the Delta activities described in this MOU. This program will be designed to fully evaluate compliance with existing regulatory requirements (including the MSCS and the SWRCB Water Right Decision 1641) and progress towards achievement of CALFED Program goals, including continuous improvement in Delta water quality for all uses, and restoration and recovery targets for endangered species.

This program will include, at a minimum, performance measures, conceptual models, adaptive management strategies, data handling and storage protocols, expected products and outcomes, regular reporting, and an independent review of

existing monitoring programs. The proposed program will be submitted to the CBDA Science Program for external review and to the CBDA Independent Science Board for a recommendation on the proposed program to CBDA.

The proposed program will include an annual technical report by the appropriate agencies, in a form acceptable to, and submitted to, the CBDA Lead Scientist, that describes significant advances in scientific understanding of the system, status and trends of water quality and biological resources, causes for any significant changes in water quality or biological resources, and recommendations for further study.

Significant findings from this annual technical report will be summarized by the CBDA Science Program, in cooperation with the appropriate agencies, and provided to the CBDA. This annual summary of significant findings to the CBDA will identify any failure to meet existing water quality objectives, achieve continuous improvement in Delta water quality, and restoration and recovery targets for endangered species, and any necessary corrective actions as needed.

**VII. Appendix A**

**Appendix A: Summary of Schedules (NOTE: See Attachment 4 of Agenda Item 7 for Appendix A Update (*Revised 8/26/04*))**



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901RECEIVED  
CALIFORNIA BAY-DELTA AUTHORITY  
MAIL ROOM

2004 SEP 13 PM 1:55

SEP 09 2004

Gary Hunt  
Chair  
California Bay Delta Authority  
650 Capitol Mall, 5<sup>th</sup> Floor  
Sacramento, California 95814

RE: Support for the Delta Improvements Package

Dear Chairman Hunt:

We received your letter dated August 25, 2004, asking for our support of the Delta Improvements Package (DIP) recently developed by state and federal agencies implementing the CALFED Record of Decision.

EPA supports implementation of the DIP, based on our understanding of the DIP as it has developed over the past year. The DIP is not a decision document, but rather a useful work plan confirming steps the implementing agencies will take to evaluate and, based on that evaluation, implement key components of the CALFED Record of Decision.

Our support for the DIP does not represent a final decision on the merits of any of the activities proposed in the DIP. In most cases, the DIP proposes planning efforts and environmental reviews. As those planning efforts and reviews reach a more definitive stage, EPA and the other regulatory agencies will need to make permitting decisions based on the proposals and record at that time.

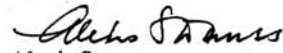
As the DIP is a planning and coordination document, the DIP should not delay or supplant ongoing activities of the implementing agencies. For example, the State Water Resources Control Board and Regional Water Quality Control Board have a number of regulatory and planning efforts under way that affect the Delta. For example, the Regional Board is presently considering adopting and implementing a TMDL for salinity in the lower San Joaquin River. This action is required by the Clean Water Act and was explicitly called for in the CALFED Record of Decision (pp. 66-67). EPA believes that Board action on this TMDL is wholly consistent with both the Record of Decision and the DIP, and should proceed promptly.

Finally, in supporting the DIP as a general work plan for CALFED Record of Decision implementation, we need to move towards more specific and substantive plans and agreements at the next level. For example, Section VI.H of the DIP calls for the development of a performance evaluation and monitoring program to evaluate progress in meeting CALFED's natural resource and

water quality goals. An effective monitoring program is essential for gauging the effectiveness of CALFED's efforts, and this component has been seriously underfunded in past years. We believe it essential that the monitoring program effort include a funding plan and agreements among the relevant agencies providing adequate resources for this program.

We look forward to working with the State and Federal agencies as we continue our efforts to implement the CALFED Record of Decision. Please refer any questions about EPA's continued involvement in the DIP, to Karen Schwinn at (415)972-3472 or Tom Hagler at (415)972-3945.

Sincerely,



Alexis Strauss

Director

Water Division

*September 2004*

cc: Patrick Wright, CBDA



## United States Department of the Interior



BUREAU OF RECLAMATION  
Mid-Pacific Region  
2800 Cottage Way  
Sacramento, California 95825-1898



FISH AND WILDLIFE SERVICE  
California/Nevada Operations Office  
2800 Cottage Way, Room W-2606  
Sacramento, California 95825-1846

IN REPLY  
REFER TO:  
MP-120  
PRJ-5.00

SEP 17 2004

RECEIVED  
CALIFORNIA BAY-DELTA AUTHORITY  
MAIL ROOM  
2004 SEP 21 PM 2:48

Mr. Gary Hunt  
Chairman, California Bay-Delta Authority  
650 Capitol Mall, 5<sup>th</sup> Floor  
Sacramento, California 95814

Dear Mr. Hunt:

On behalf of the Interior agencies participating in the implementation of the Delta Improvements Package, we are writing to express our support for the plan. We are in agreement with the recent action taken by the California Bay-Delta Authority (CBDA) under Resolution 04-08-04 to adopt the plan conditioned on letters of support from the participating Federal agencies and look forward to continuing our collaborative work with the CALFED agencies to implement the plan.

As you know, both Reclamation and the Fish and Wildlife Service have actively participated in the development of the Delta Improvements Package and believe it is balanced and builds upon the CALFED Record of Decision. The Delta Improvements Package provides an integrated set of actions that contribute to the CALFED core objectives of increased water supply reliability, continuous improvement to water quality, ecosystem restoration, and levee system stability guided by a sound scientific program. Furthermore, it is our view that the Delta Improvements Package provides the roadmap to advance statewide water management actions from the planning stage to implementation.

We look forward to continuing our efforts to work with the CALFED agencies and stakeholders in the implementation of the Delta Improvements Package.

Sincerely,

Kirk C. Rodgers  
Regional Director  
Bureau of Reclamation, Mid Pacific  
Mid-Pacific Region

Steve Thompson  
Manager  
California/Nevada Operations Office  
U.S. Fish and Wildlife Service

cc: Mr. Jason Peltier  
Special Assistant for Water and Science  
Department of the Interior  
1849 C Street, NW (MS-6217)  
Washington, DC 20240

Mr. Rodney McInnis  
Regional Administrator  
National Marine Fisheries Service  
Long Beach, California 90802

Colonel Ronald N. Light  
District Engineer for the Sacramento District  
U. S. Army Corps of Engineers  
1325 J Street  
Sacramento, California 95814

Mr. Wayne Natri  
Regional Administrator  
U. S. Environmental Protection Agency  
75 Hawthorne Street, 18<sup>th</sup> Floor  
San Francisco, California 94105

Mr. Patrick Wright  
Executive Director  
California Bay-Delta Authority  
650 Capitol Mall, 5<sup>th</sup> Floor  
Sacramento, California 95814

## **SUMMARY OF SCHEDULES**

### **WATER SUPPLY ACTIONS AND SCHEDULES**

#### **SWP/CVP Integration Plan**

##### **Schedule:**

- Complete SWP/CVP Operations Criteria and Plan Biological Opinion and early consultation on intermediate actions to improve CVP/SWP operation coordination by Summer 2004
- Completion of appropriate Response Plans required by D-1641 for use of Joint Point of Diversion by August 2004
- Complete NEPA/CEQA analyses and public review of interim SWP/CVP operation actions by early 2005
- Initiate formal consultation or request confirmation of preliminary Biological Opinion on interim SWP/CVP operation actions by early 2005
- Implement intermediate SWP/CVP operation actions during 2005

#### **SWP/CVP Intertie**

##### **Schedule:**

- Complete environmental documents by the Summer 2004
- Initiate construction of the 400 cfs intertie by late 2004
- Operation of the 400 cfs conveyance capacity by late 2005
- Obtain federal construction authorization to increase intertie conveyance capacity to 900 cfs by November 2006

#### **San Luis Reservoir Low Point Improvement Project**

##### **Schedule:**

- Complete Appraisal Study by September 2004
- Complete Draft EIR/EIS by May 2005
- Obtain funding and authorization for construction in June 2006

#### **South Delta Improvements Project/Increase SWP Pumping to 8,500 cfs**

##### **Schedule:**

- Final SDIP EIS/EIR and Record of Decision by Mid-2005
- Transitional implementation of 8500 cfs, dredging/diversion improvements, 2005-2007
- Construct permanent operable barriers by December 2007
- Fully operate under 8,500 cfs by January 1, 2008

### **WATER QUALITY ACTIONS AND SCHEDULES**

### **South Delta Improvements Project/Permanent Operable Barriers**

#### **Schedule:**

- The SDIP Final EIS/R and Record of Decision by mid-2005
- Begin actions in 2005

### **San Joaquin River Salinity Management Plan**

#### **➤ Coordinated Drainage Strategy**

**Schedule:** Ongoing

#### **➤ Salt Load Management and Reduction**

##### **Schedule:**

- The San Joaquin River Salinity Management Group to begin study of refuge salinity management by summer 2004

#### **➤ Recirculation**

##### **Schedule:**

- Ongoing
- Initiate studies for specific recirculation scenarios by fall 2004

#### **➤ Voluntary Water Transfers and Exchanges**

**Schedule:** Ongoing

#### **➤ Real-time Monitoring**

**Schedule:** Ongoing

#### **➤ Coordination of East Side Tributary Operations**

##### **Schedule:**

- Initial draft of potential actions for coordination by October 2004

#### **➤ Introduction of Potential High Quality Wastewater Treatment Plant Flows**

##### **Schedule:**

- Develop draft options by March 2005

➤ **Westside Groundwater Management**

**Schedule:** Ongoing

**Vernalis Flow Objectives**

**Schedule:** Ongoing

**San Joaquin River Dissolved Oxygen**

**Schedule:**

- Complete the RWQCB Phased TMDL and Basin Plan Amendment by December 2004
- Complete monitoring and modeling studies by June 2007
- Design, construct and operate a demonstration aeration system, fall 2005-2008
- Evaluate other control projects and mitigation strategies, April 2004-December 2008
- Complete Final TMDL/Basin Plan Amendment for long-term control by 2009

**Old River and Rock Slough Water Quality Improvement Projects**

**Schedule:**

- Complete construction of Veale and Byron tracts drainage improvements by ~~April~~ December 2005
- Complete construction of first phase Canal lining project by ~~September~~ December 2006

**Franks Tract**

**Schedule:**

- Complete water quality and fish studies and make recommendations by April 2005
- Complete feasibility studies, assess fisheries and recreational impacts, and develop pilot projects by ~~January~~ Summer 2006
- Construct and monitor pilot projects, January 2006 - January 2008

**Delta Cross Channel Program**

**Schedule:**

- Complete evaluations and make recommendations on reoperation by November 2005
- Implement reoperation recommendations by January 2006

**Relocation of M&I Intake**

**Schedule:**

- Complete evaluation of water quality improvements (date to be developed)

### **Through-Delta Facility**

#### **Schedule:**

- Complete evaluations, determine TDF technical viability, and recommend projects for implementation by November 2005
- Seek funding and initiate EIR/EIS for project implementation by January 2006

## **ENVIRONMENTAL PROTECTION ACTIONS AND SCHEDULES**

### **OCAP ESA Consultation**

#### **Schedule:**

- OCAP Biological Opinion issued by summer 2004

### **SDIP ESA Consultation**

#### **Schedule:**

- SDIP Biological Opinion issued by January 15, 2005

### **Update of CALFED ROD Programmatic Regulatory Commitments and Programmatic Biological Opinions**

#### **Schedule:**

- Complete assessment of the efficacy of the EWA and progress toward achieving the milestones, by August 2004
- Update Programmatic Regulatory Commitments by September 30, 2004
- Update Programmatic Biological Opinions by September 30, 2004

### **Environmental Water Account (EWA)-**

#### **Schedule:**

- Decision on continuing short-term EWA by September 30, 2004
- Draft EIS/EIR on long-term EWA by June 2005
- Final EIS/EIR on long-term EWA by December 2005

### **Delta Regional Ecosystem Restoration Implementation Plan (DRERIP)**

#### **Schedule:**

- Complete development and peer review of species life history and ecosystem element conceptual models by December 2004
- Evaluate Delta ERP Actions and approve priority setting process by May 2005
- Complete final DRERIP in December 2005

## **DELTA LEVEES ACTIONS AND SCHEDULES**

### **Schedule:**

- Implement the Levee System Integrity Multi-Year Program Plan (Years 5-8)

## **SCIENCE ACTIONS AND SCHEDULES**

### **Independent Science Board**

**Schedule:** Ongoing

### **Environmental Water Account Independent Reviews**

#### **Schedule:**

- EWA Science Panel review in November 2004

### **Focused Study on South Delta Hydrodynamics, Water Quality, and Fish**

#### **Schedule:**

- Conduct pilot investigations on South Delta hydrodynamics, fisheries, and water quality between May 2004 and July 2005
- Conduct full scientific study on SWP/CVP operations based on pilot work and peer review between March 2005 and July 2007
- Make operations recommendations by July 2008

### **Focused Study on Delta Smelt and Fish Facilities**

#### **Schedule:**

- Evaluate fish survival in the existing CHTR process between April 2004 and June 2007
- Recommend implementing CHTR improvements for Delta smelt by July 2008

### **Science Program PSP:**

#### **Schedule:**

- Proposal Solicitation Package will be available October 2004

### **SWRCB Periodic Review**

#### **Schedule:**

- Periodic review proposed to start in fall of 2004

### **South Delta Fish Facilities**

#### **Schedule:**

- Maintain and improve existing fish facilities. Ongoing.
- Conduct alternative facility configurations and operational studies, July 2004 to July 2006
- Recommendation on new fish facility alternatives (with SDIP 10300) by July 2006

### **Performance Evaluation and Monitoring Program**

#### **Schedule:**

- Final Conceptual Plan and draft funding needs by October 2004
- Final Implementation Plan for Comprehensive Monitoring Plan by July 2005
- Program implementation by January 2006



## ERRATA FOR THE 2004 PROGRAM PLANS

### Conveyance

#### Page i – **Conveyance Key Activities**

Complete construction Old River & Rock Slough Water Quality Improvements. ~~April~~ December 2005

#### Page 4 – **Accomplishments**

Old River & Rock Slough Water Quality Improvement Projects (DIP)

- Complete prior to operation of permanent barriers and increase to 10,300 cfs, ~~10/4~~ 12/05
- Complete Phase 1 encasement, ~~7/06~~ 12/06

Franks Track (DIP)

- Complete water quality & Fish studies; make recommendations 4/05
- Complete feasibility studies, assess fisheries and recreational impacts, and develop Pilot projects by Summer 2006
- Complete and monitor pilot projects 1/06-1/08

#### Page 11 – **Major Activities**

Old River and Rock Slough Water Quality Improvements

Schedule: Construct first Phase of canal lining by ~~May 2005~~ December 2006;

#### Page 13 – **Schedule**

~~10/04~~ 12/05 Complete Construction Old River-Byron Tract and Old River-Veal Track WQ Projects

~~7/06~~ 12/06 Complete Construction Contra Costa Phase 1 Encasement Project

### Drinking Water Quality

#### Page 9 – **Major Activities**

Old River and Rock Slough Water Quality Improvement Projects:

Schedule: ~~June 2006~~ December 2005 Scheduled completion

### Environmental Water Account

#### Page 8 – **Major Activities**

Complete the EWA Long Term EIS/EIR

Schedule: Expected Completion – ~~November~~ December 2005

#### Page 9 – **Schedule**

~~12//04~~ 6/05 – Draft EIR/EIS

~~8/05~~ 12/05 – Final EIR/EIS